

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

BARRY L. MANZEY

PLAINTIFF

v.

Case No. 07-6090

NCO FINANCIAL SYSTEMS, INC.,  
NCO-MEDCLEAR and MEDCLR, INC.

DEFENDANTS

**ORDER**

Now before the Court is Defendants' motion to dismiss (Doc. 15). On September 17, 2008, the Court permitted Plaintiff's counsel, Justin Hurst, to withdraw as counsel for Plaintiff. The Court advised Plaintiff he had until October 1, 2008, to either retain new counsel to enter an appearance on his behalf or to advise the Court that he intends to proceed pro se (Doc. 14).

As of this date, Plaintiff has not complied with the Court's order or communicated to the Court in any way that he intends to proceed with this action. Accordingly, Defendants' Motion is GRANTED and Plaintiff's case is DISMISSED WITHOUT PREJUDICE on the grounds that Plaintiff has failed to prosecute it and has failed to comply with Court orders. See Fed. R. Civ. P. 41(b).

Should Plaintiff re-file this action, Defendant may petition the Court to require the Plaintiff to show good and adequate cause for his failure to prosecute the instant action before he is allowed to proceed with a second action. In

addition, the Court will require any refiling to be in the Western District of Arkansas and assigned to Judge Robert T. Dawson. The U.S. District Clerk is directed to mail a copy of this order to Plaintiff at 2190 Higdon Ferry, Hot Springs National Park, AR 71913-7201.

IT IS SO ORDERED this 17th day of October 2008.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge